

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 16-60304

SECURITAS SECURITY SERVICES USA, INCORPORATED,

Petitioner Cross-Respondent

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent Cross-Petitioner



A True Copy
Certified order issued Aug 16, 2016

Styl W. Cayce

Clerk, U.S. Court of Appeals, Fifth Circuit

Petitions for Review of an Order of the
National Labor Relations Board

Before JONES, SMITH, and DENNIS, Circuit Judges.

PER CURIAM:

IT IS ORDERED that petitioner cross-respondent's opposed motion for summary reversal is GRANTED.

JAMES L. DENNIS, Circuit Judge, concurring.

I must concur with my colleagues to the extent *Murphy Oil USA, Inc. v. NLRB*, 808 F.3d 1013 (5th Cir. 2015), and *D.R. Horton, Inc. v. NLRB*, 737 F.3d 344 (5th Cir. 2013), control this panel’s disposition. *See, e.g., Jacobs v. Nat’l Drug Intelligence Ctr.*, 548 F.3d 375, 378 (5th Cir. 2008) (“[O]ne panel of our court may not overturn another panel’s decision, absent an intervening change in the law”). However, as I have previously written, I would urge the full court to reconsider the question presented by this case in light of the Seventh Circuit’s well-reasoned opinion in *Lewis v. Epic Systems Corp.*, 823 F.3d 1147 (7th Cir. 2016).



Certified as a true copy and issued
as the mandate on Oct 10, 2016

Attest:

Jyle W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit